REMARKS

A final Office Action was mailed on April 22, 2004. Claims 1 - 16 are pending in the present application. With this response, Applicant amends claims 11 and 12. No new matter is introduced. Support may be found, for example, in Applicants' specification at page 17, lines 11 – 22, page 22, line 5 through page 27, line 13, and in Applicants' FIG. 6.

On July 20, 2004, Applicants' representative participated in a telephone interview with Examiner Nguyen to discuss proposed amendments to claims 11 and 12 and their relationship to the cited prior art. Applicants thank Examiner Nguyen for providing comments and suggestions in regard to the proposed amendments, several of which are reflected in the amendments herein.

ALLOWABLE CLAIMS

Applicants thank the Examiner for indicating that claims 1 – 10 and 14 – 16 are allowed.

REJECTION UNDER 35 U.S.C. § 103

Claims 11 - 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,305,131 to Best. Applicants amend claims 11 and 12 to further clarify the nature of their invention, and respectfully traverse this rejection.

In a Response to Office Action of January 27, 2004, Applicants provided the following arguments:

> Best discloses a video amusement system that includes branch points to provide for the selection of alternate sequences in a movie (see, e.g., column 7, lines 45 – 49 of Best). The system is capable of indicating to the user that a choice is available, either directly or for player inference (see,

e.g., column 9, lines 62 – 67), and of indicating that a player response is expected (see, e.g., column 10, lines 7 – 8). The system of Best provides both for player selection of a branch point, as well as random choices elected by the system without player intervention (see, e.g., column 10, lines 9 – 13).

In independent claims 1, 11, 12 and 14 – 16, Applicants disclose a method, apparatus and medium recording a computer program for branching in a video game according to a player's instruction. In Applicants' disclosed method, branch points are not directly revealed to a player. Instead, the player is provided with means to search for what is in effect a hidden branch point.

If the player's search request is initiated within a predetermined time before a branch point is reached in a story sequence, the branch is executed in accordance with the player's instructions (see, e.g., Applicants' FIG. 6). If a branch point is not reached within the predetermined time, the player may be assigned, for example, a negative branch point which influences that availability and nature of future branch points. If a search is not initiated prior to the arrival of a branch point, a notification signal indicating that the branch point passed over is presented to the player, and a negative branch point may also be assigned.

In sharp contrast to Applicants' claimed invention, Best fails to disclose a method in which election of a branch requires <u>initiation of a search request</u> by the player <u>prior to the arrival of the branch point</u>. Rather, in the method disclosed by Best, an explicit (or implicit) indicator of a branch point is provided first to the player to stimulate that player's election of the branch. Moreover, unlike Applicants' claimed invention, Best fails to suggest or disclose a method that determines a branch destination on the basis of <u>a success or failure of determining whether a branch point exists during a predetermined period of time after issuing a branch point search instructing input to initiate a branch point search.</u>

In addition, with reference to Applicants' claim 11, Best fails to suggest or disclose a branch point selected by a player for which a branch destination is determined in accordance with a predetermined variant value. With reference to Applicants' claim 12, Best fails to suggest or disclose generating a notification signal when a branch point has been passed as unselected by the player.

The Examiner rebuts the arguments as to claim 11 by suggesting that Best discloses determining a branch destination in accordance with a predetermined variant value, where that value is a function of time (see, e.g., column 8, lines 13 – 15 and 40 –

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46, and column 22, lines 37 – 45 of Best). Applicants amend claim 11 to clarify that the predetermined variant value is not determined as a function of time, but rather as "as a function of a prior success or failure in determining whether a previous branching point existed after receiving a previous search instruction input" (see, e.g., steps S5, S10, S12 and S30 of Applicants' FIG. 6). Applicants respectfully submit that Best neither discloses nor suggests the amended features of Applicants' claim 11, and that claim 11 is therefore allowable.

As to claim 12, the Examiner notes that claim 12 does not explicitly require generating a notification signal when a branch point has been passed as unsearched by the player (see, e.g., page 17, lines 11 – 22 of Applicants' specification. Applicants amend claim 12 to explicitly include this requirement. Applicants respectfully submit that Best neither discloses nor suggests this requirement of Applicants' claim 12, and that claim 12 is therefore allowable.

Accordingly, Applicants respectfully submit that independent claims 11 and 12 are not made obvious by Best, and are therefore allowable. As 13 depends from allowable claim 12, Applicants further submit that claim 13 is allowable for at least this reason.
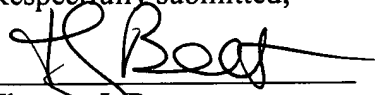
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-16, consisting of independent claims 1, 11, 12 and 14 – 16, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to

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be in condition for allowance, he or she is respectfully requested to telephone the

undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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